

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications and Energy on its own Motion, pursuant to G.L. c. 159, §§ 12 and 16, into the regulations, practices, equipment, appliances, and service of Network Plus, Inc.

D.T.E. 02-15

**PETITION OF XO MASSACHUSETTS, INC.
FOR LEAVE TO INTERVENE AS A PARTY**

Pursuant to 220 C.M.R. 1.03, XO Massachusetts, Inc. (“XO”) hereby petitions the Department of Telecommunications and Energy (“DTE”) for leave to intervene as a party in the above proceedings, stating in support thereof the following:

1. On April 7, 1999, the Department granted XO Massachusetts, Inc. (formerly known as NEXTLINK Massachusetts, Inc.) a certificate of public convenience and necessity to provide local exchange and intrastate toll service within the Commonwealth of Massachusetts. In Massachusetts, XO operates as a CLEC and interexchange carrier, providing telecommunications services. XO’s business address is 1601C Trapelo Road, Waltham, MA 02451. XO is authorized to provide service throughout the Commonwealth, and currently provides service in areas including metropolitan Boston.

2. DTE has opened this docket on its own motion to, among other things, begin a review of Network Plus’ activities regarding its bankruptcy and determine whether the regulations, practices, equipment, appliances, and service of Network Plus are unjust, unreasonable, unsafe, improper, or inadequate.

3. XO requests that it be permitted to intervene as a party in order to adequately represent and protect its interests in this proceeding. XO is substantially and specifically affected by this proceeding because it has attempted to obtain Network Plus customers as XO

customers within the Commonwealth as a result of Network Plus' bankruptcy filing. Since this proceeding will review customers service options when a carrier files for bankruptcy, XO will be directly impacted by any changes the Department might choose to make in those policies as it solicits these customers from other carriers.

4. XO's interest in this matter cannot be adequately addressed or represented by any other party. Consequently, XO's participation in this proceeding will help ensure the development of a comprehensive record, while affording XO the opportunity to protect its interests.

5. If granted intervenor status, XO will likely offer evidence concerning the current difficulties with its attempts to solicit Network Plus customers and provide information on its work with the New York carriers group that developed guidelines for mass migrations of customers from one carrier to another. XO should be granted intervenor status to ensure that these concerns are addressed since they are peculiar to XO and thereby its customers. If granted leave to intervene, XO intends to fully participate in this proceeding. The full extent of its participation will be determined after the procedural conference that will be held on February 25, 2002.

6. All communications and correspondence for this proceeding should be directed to the undersigned.

WHEREFORE, XO Massachusetts, Inc. requests that the Department of Telecommunications and Energy permit it to intervene in these proceedings.

Respectfully submitted,
XO Massachusetts, Inc.

Date: February 21, 2002

By: _____
Karen Nations
Regulatory Director
XO Massachusetts, Inc.
45 Eisenhower Drive, 5th Floor
Paramus, New Jersey 07009
(201)226-3675 FAX: (201)226-0249
e-mail: Karen.Nations@xo.com